FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 720 OF 2004

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Ms. M.M. Mhatre, APP. for the State.

CORAM : R.S. MOHITE, J.
DATED : FEBRUARY 6, 2006.

P.C.

1. This is an appeal filed by the State impugning a judgment and order passed by the 8th Adhoc Asstt. Sessions Judge, Pune acquitting the accused for an offence punishable under Section 306 read with 34 of the I.P.C. On perusal of the impugned judgment and order, it is seen that the same has been passed on cogent and acceptable reasons. Deceased Avinash Salve received 30% burn injuries on 29.4.2003. He died on 19.5.2003. F.I.R. was recorded on the complaint of one Arvind Salve on 20.5.2003. The

delay is unexplained. In the mean while, police had first registered A.D.No.29/2003 and later on registered the F.I.R. There is gross delay in filing of the complaint. The so called dying declaration was disbelieved on several grounds including the ground that the same was made before the police officer and contained no medical certificate to indicate that the deceased was in sound state of mind. The view taken by the trial court is possible view. Hence, leave refused and consequently the appeal is dismissed.

(R. S. MOHITE, J.)